

## **REMARKS**

The application has been amended to address the Office Action of July 22, 2010. In particular, claims 44, 55, 61, and 75 have been amended without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, claims 44-86 are currently pending.

### **Claim Rejections Under 35 U.S.C. § 101**

Claims 44-54, 61-74, and 85-86 have been rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. The rejected independent claims have been amended to recite, *inter alia*, that the at least one telecommunications component at which the plurality of work items are received comprises at least one of a PBX and server. The claims have also been amended to recite, *inter alia*, that a server executing a work load monitoring agent performs one or more of the method steps. Applicants respectfully submit that the amendment to the claims place all of the currently pending claims in compliance with the requirement of 35 U.S.C. § 101. Therefore, the rejections under 35 U.S.C. § 101 appear to be moot and should be withdrawn.

### **Claim Rejections Under 35 U.S.C. § 112**

Claims 44-74 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejected claims have been amended to recite, *inter alia*, cases where multiple of the work items have a determined required queue position equal to the selected required queue position. Applicants believe these amendments clarify what is meant as having “the selected required queue position” correspond to multiple of the work items. The second scenario (ii) has also been amended to clarify the same issue. Accordingly, Applicants submit that the rejections under 35 U.S.C. § 112, second paragraph, are moot and should, therefore, be withdrawn.

Based on the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: October 22, 2010

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